

20 JAN 2004 3626
Docket No. 5000-4943

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Kazuo MURAKAMI, et al.
Serial No. : 09/926,144
International (PCT)
Application No. : PCT/JP00/08761
International
Filing Date : December 11, 2001
For : COMPRESSOR AND METHOD OF LUBRICATING
THE COMPRESSOR

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JAN 28 2004
GROUP 3600

CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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FEB 10 2004
TECHNOLOGY CENTER R3700

Sir:

I hereby certify that the attached:

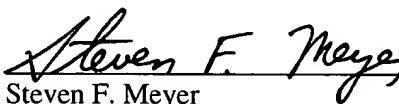
1. Request for Withdrawal of Improper Notice of Abandonment (including Exhibits A-C), and
2. Return receipt postcard

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Petition, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 21, 2004

By:


Steven F. Meyer
Registration No. 35,613

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile



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Sir:

Applicants request the withdrawal of the improper Notice of Abandonment mailed December 4, 2003. The grounds for the abandonment was stated to the failure to respond to the notification of missing requirements purportedly mailed on February 1, 2002. A thorough review of the file for the above-identified application and the attorney docketing system's records reveals that a notification of missing requirements was never received.

The surrounding circumstances, as evidenced by the papers filed in this application thus far, support this request. On December 20, 2001, the Patent Office issued a Decision granting a petition to revive the subject application. See Exh. A. The Decision indicated that:

This application is being returned to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an executed declaration in compliance with 37 CFR 1.497.

Exh. A. Applicants suspect that there was a substantial delay in returning the application from the PCT Legal Office to the National Stage Processing Division.

By letter dated August 22, 2002, Applicants transmitted an executed Declaration and Assignment to their U.S. patent attorneys. At that time, no Notice of Missing Requirements had been received. On October 2, 2002, Applicants filed a Status Request which noted that no further Communication had been received from the Patent Office after the December 20, 2001 Decision. See Exh. B. This Status Request is contemporaneous evidence that the Notification of Missing Requirements was not received.

The return receipt postcard indicates that the Status Request was received by the Patent Office on October 7, 2002. The Patent Office never responded to the Status Request. Instead, the Patent Office next mailed the Notification of Abandonment on December 4, 2003 -- 14 months after the receipt of the Status Request.

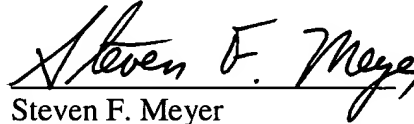
After the receipt of the Notification of Abandonment, the attorney for the application, Steven F. Meyer, thoroughly reviewed the file for the application and could not find any Notification of Missing Requirements or any indication of the receipt of a Notification of Missing Requirements. The docketing system report (see Exh. C) confirms that a Notification of Missing Requirements was never received.

CONCLUSION

The grounds for Notification of Abandonment (mailed December 4, 2003) is improper because the underlying Notification of Missing Requirements was never received. Therefore, Applicants respectfully request that the Notification of Abandonment be withdrawn.

Respectfully submitted,

Dated: January 21, 2004


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Reg. No. 35,613

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DEC 20 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



Steven F. Meyer
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New York, New York 10154-0053

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In re Application of:
MURAKAMI, Kazuo, et al.
U.S. Application No.: 09/926,144
PCT No.: PCT/JP00/08761
International Filing Date: 11 December 2001
Priority Date: 17 December 1999
Attorney's Docket No.: 5000-4943
For: COMPRESSOR AND METHOD OF
LUBRICATING THE COMPRESSOR


DECISION ON PETITION TO
REVIVE ABANDONED
APPLICATION UNDER 37
CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 07 September 2001 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" and the accompanying explanation meet the requirements of 37 CFR 1.137(b)(3).

Applicants have now submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

This application is being returned to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an executed declaration in compliance with 37 CFR 1.497.


Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

CASE 05000-4943 ATTN: SEM/Kierman
INFORMATION DISCLOSURE
STATEMENT
FOREIGN FILING
CONVENTION DATE EXPIRES

2002 JAN -2 P 12 45



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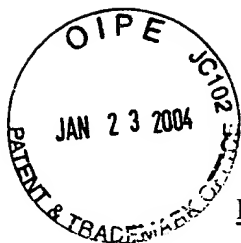
Case No. 5000-4943 Serial No. 09/926,144
Date Mailed 10/2/02 ATTY SFM
Date Due in the Patent Office _____

The return of this post card, properly stamped, will
acknowledge receipt in the Patent & Trademark Office
of the following:

- 1- STATUS REQUEST
- 2- Copy of Decision on Petition
- 3- Certificate of Mailing
- 4-
- 5-
- 6-



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PATENT
Attorney Docket No. 5000-4943

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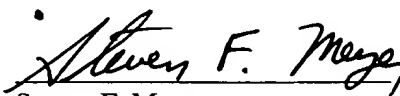
CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

Sirs:

I hereby certify that the attached (1) Status Request, (2) Copy of Decision On Petition, and (3) return receipt postcard, and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

Dated: October 2, 2002


Steven F. Meyer
Registration No. 35,613

Mailing Address:

MORGAN & FINNEGAN, L.L.P
345 Park Avenue
New York, New York 10154
Tel. No. (212) 758-4800
Facsimile No. (212) 751-6849



Patent
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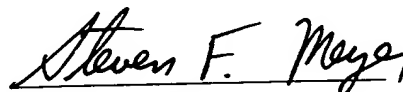
STATUS REQUEST

Sir:

A decision on Petition to Revive Abandoned Application Under 37 C.F.R. §1.137(b) was granted on December 20, 2001 (copy enclosed). To date, no further Communication has been received. It is hereby respectfully requested that the undersigned attorney be advised regarding the status of the above-identified application.

Respectfully submitted,

Dated: October 2, 2002


Steven F. Meyer
Registration No. 35,613

CORRESPONDENCE ADDRESS:

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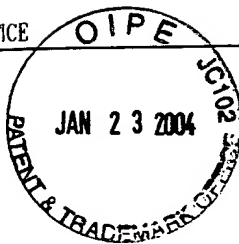
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RM Ross

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CASE 05000-4943 ATTN: SF/Kiernan
INFORMATION DISCLOSURE
STATEMENT
FOREIGN FILING
PRIORITY DATE EXPIRES

9th JAN - 2 - NOV 2007

Meyer

10-Dec-03

Country Application**Case Number:** 05000-4943**Country:** US**SubCase:****Assignee:** KABUT

United States of America

Kabushiki Kaisha Toyota Jidoshokki

Application Title: Compressor and method for lubricating a compressor**Case Type:** PCT**Application Status:** Pending**Application Number:** 09/926144**Filing Date:** 17-Aug-2001**Patent Number:****Issue Date:****Publication Number:****Publication Date:****Priority Number:** 11-358975**Priority Date:** 17-Dec-1999**Tax Schedule:** LE**Expiration Date:****Recorded Date:****Tax Start Date:****Reel Number:****Frame:****Client IDS:****Managing Atty:****Date Received:****Client Pays:** ☐**Inventor Ref:****Agent:** OKAD Okada Patent and Trademark**Agent Reference Number:****List Of User Actions**

Action(s) Due	Due Date		Action Taken
Formal Drawings Filed	17-Aug-2001	Filed	17-Aug-2001
Preliminary Amendment Filed	17-Aug-2001	Filed	17-Aug-2001
Petition to Revive Appl Filed	07-Sep-2001	Filed	07-Sep-2001
Decision on Petition Granted	20-Dec-2001	Received	20-Dec-2001
Decision on Petition Received	20-Dec-2001	Received	20-Dec-2001
Executed Decl. and Assignment	22-Aug-2002	Received	22-Aug-2002
Status Inquiry Filed	02-Oct-2002	Filed	02-Oct-2002
European Search Report	20-Nov-2002	Received	20-Nov-2002
2 Mo. Rem/File IDS	04-Dec-2002	Reminder	10-Dec-2002
I.D.S Filed	10-Dec-2002	Filed	10-Dec-2002
1 Mo. Rem/File IDS	04-Jan-2003	Reminder	10-Dec-2002
File IDS per agt Instructions	04-Feb-2003	Final	10-Dec-2002
Notice of Abandonment Rec'd	04-Dec-2003	Received	04-Dec-2003
Confirm Abandonment	04-Jan-2004	Due Date	
Petition To Revive Application	04-Feb-2004	Final	

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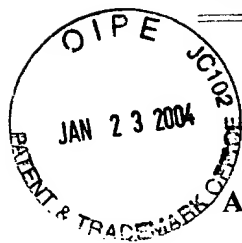
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Country Application

10-Dec-03

Remarks: National Phase Appln of PCT/JP00/08761 filed 12/11/00

User ID: lzeigler

Date Created: 09-Nov-2001

Last Update: 15-Dec-2002